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*Attorneys for The Official Committee of the
Unsecured Creditors*

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re
THE ROMAN CATHOLIC ARCHBISHOP
OF SAN FRANCISCO,

Debtor.

Case No. 23-30564 (DM)

Chapter 11

Adv. No. 25-03019 (DM)

THE ROMAN CATHOLIC ARCHBISHOP
OF SAN FRANCISCO,

Plaintiff,

v.

JOHN DB ROE SF *et al.*,

Defendants.

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF THE OFFICIAL
COMMITTEE OF UNSECURED
CREDITORS' OPPOSITION TO THE
DEBTOR'S MOTION FOR AN
EXTENSION OF THE AUTOMATIC
STAY**

Date: June 26, 2025
Time: 1:30 p.m.
Place: Via Teleconference
Judge: Hon. Dennis Montali

Pursuant to Rule 201(b) of the Federal Rules of Evidence, the Official Committee of Unsecured Creditors (the “Committee”) of the Roman Catholic Archbishop of San Francisco (the “Archdiocese”) requests that the Court take judicial notice of the following pleadings that are matters of public record that support the Committee’s *Opposition to the Debtor’s Motion for an Extension of the Automatic Stay to All State Court Cases in Which Debtor and/or Non-Debtor Affiliates Are Named as Defendants Under Bankruptcy Code Sections 105(a) and 362*, filed herewith.

1. Attached hereto as **Exhibit 1** is a copy of the *Order Granting Petition to Coordinate* entered on July 22, 2020 in the case of *In re Northern California Clergy Cases*, Alameda Superior Court, No. JCCP 5108 (the “Coordinated Proceeding”).

2. Attached hereto as **Exhibit 2** is a copy of the *Case Management Order* entered on January 23, 2025 in the Coordinated Proceeding.

Dated: June 12, 2025

PACHULSKI STANG ZIEHL & JONES LLP

By /s/ Gail S. Greenwood

James I. Stang

Brittany M. Michael

Gail Greenwood

Attorneys for the Official Committee of Unsecured Creditors

-- and --

BURNS BAIR LLP

Timothy W. Burns (pro hac vice)

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Special Insurance Counsel for the Official Committee of Unsecured Creditors

EXHIBIT 1

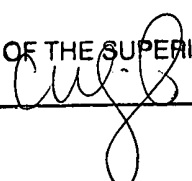


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FILED
ALAMEDA COUNTY

JUL 22 2020

CLERK OF THE SUPERIOR COURT

By  Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ALAMEDA

IN RE NORTHERN CALIFORNIA CLERGY
CASES

No. JCCP 5108

ORDER GRANTING PETITION TO
COORDINATEDATE 7/22/20
TIME 9:00
DEPT 21

The cases in the petition for coordination generally (1) allege childhood sexual assault as defined in CCP 340.1(d) and (2) were filed under the reprieve from the statute of limitations in CCP 340.1(q) as recently amended by AB 218. A group of plaintiffs opposes parts of the petition. No defendant has opposed the petition.

This court has been appointed coordination motion judge in JCCP 5108, but the court is aware of related cases in JCCP 5114 (which does not have an assigned coordination motion judge) and related cases filed in Alameda County. In the interest of case coordination generally, the court address all three categories of cases.

1 IN RE NORTHERN CALIFORNIA CLERGY CASES, JCCP 5108

2 On 5/8/20, plaintiff in John SF-1 Doe v. Doe 1, Superior Court of the State of California,
3 San Francisco, Case no. CGC-20-584-162 filed a petition to coordinate.

4 On 6/15/20, the Chair of the Judicial Council issued an Order Assigning Coordination
5 Motion Judge, authorizing the presiding Judge in Alameda County to appoint a Coordination
6 Motion Judge. (CCP 404; CRC 3.524.)

7 On 7/1/20, Judge Brad Seligman as Supervising Judge of Complex assigned Winifred
8 Smith to sit as coordination motion judge to determine whether coordination of the included
9 actions is appropriate. (C.C.P. § 404; C.R.C. 3.524.)

10 On 7/22/20, Judge Smith as coordination motion judge considered whether to coordinate
11 the included actions. The included actions are defined as the actions identified in the petition
12 dated 5/8/20 and the Judicial Council's order dated 6/15/20.

13 The identified superior court case numbers in the Petition for Coordination filed 5/8/20 in
14 *John SF-1 Doe v. Doe 1*, San Francisco Case No. CGC-20-584-162, and in the Judicial Council
15 Order dated 6/15/20 are:

16 John SF-1 Doe v. Doe 1, San Francisco Case No. CGC-20-584-162

17 John OAK-4 Doe v. Roman Catholic Bishop of Oakland, Alameda Case No. RG20-
18 056654

19 John M-1 Doe v. Doe 1, San Francisco Case No. CGC-20-583959

20 John SF-2 Doe v. Doe 1, San Francisco Case No. CGC-20-584124

21 John SF-1 Doe v. Doe 1, San Francisco Case No. CGC-20-584163

22 John SR-1 Doe v. Doe 1, Sonoma Case No. SCV-266141

1 BAY AREA CLERGY CASES, JCCP 5114

2 Separate and independent of the petition for coordination in JCCP 5108, plaintiffs filed a
3 similar and overlapping petition for coordination. The Judicial Council has identified this
4 petition for coordination as Bay Area Clergy Cases, JCCP 5114. The Judicial Council has not
5 assigned JCCP 5114 to any county for appointment of a coordination motion judge.
6 (https://www.courts.ca.gov/documents/CivilCaseCoord_2012toPresent_JCCPLog.pdf)

7
8 The identified superior court case numbers in the Petition for Coordination filed 6/15/20
9 in *Brogan v. Doe 1*, Alameda Case No. HG19-048691, are:

10 ALAMEDA CASES

11 McLennan v. Doe, Alameda Case No. RG20-061260

12 Doe OK 1009 v. Doe, Alameda Case No. HG20-053984

13 Barnes v. Doe, Alameda Case No. HG20-053983

14 Brogan v. Doe 1, Alameda Case No. HG19-048691

15 Doe OK 1017 v. Doe, Alameda Case No. RG20-057493

16 Doe OK 1008 v. Doe, Alameda Case No. HG20-053924

17 Doe OK 1011 v. Doe, Alameda Case No. RG20-057425

18 Doe OK 1031 v. Doe, Alameda Case No. HG20-053951

19 Doe OK 1014 v. Doe, Alameda Case No. HG20-053992

20 Stonebraker v. Doe, Alameda Case No. HG20-053989

21 Doe OK 1022 v. Doe, Alameda Case No. HG19-048685

22 Ash, McCann, and Stone v. Doe, Alameda Case No. RG19-039073

23 Duenas v. Doe, Alameda Case No. RG19-041044

24 Houle v. Doe, Alameda Case No. HG19-042086

25 Lopez v. Doe, Alameda Case No. RG20-048852

1 J.S. v. Doe, Alameda Case No. RG20-061096

2
3 SAN FRANCISCO CASES

4 Doe SF 1013 v. Doe, San Francisco No. CGC-20-583648

5 Doe SF 1010 v. Doe, San Francisco No. CGC-20-583643

6 Goldberg v. Doe, San Francisco No. CGC-19-581942

7
8 SONOMA CASES

9 Doe SR 1020 v. Doe, Sonoma No. SCV-265775

10 Doe SR 1021 v. Doe, Sonoma No. SCV-265774

11 Doe SR 1015 v. Doe, Sonoma No. SCV-266360

12 Holden, Doe 159, and Doe 164 v. Doe, Sonoma No. SCV-265359

13 Sloan, Doe 129, and Doe 130 v. Doe, Sonoma No. SCV-2665758 [typo?]

14 Doe 11 v. Doe, Sonoma No. SCV-265757

15 Zink and Doe 58 v. Roman Catholic Bishop of Santa Rosa, Sonoma No. SCV-265991

16
17 OTHER CASES

18 Doe MR 1006 v. Doe, Monterey No. 19CV—005258

19 Doe 74 and Doe 75 v. Doe, Monterey No. 19CV—004154

20 Hoey v. Doe, Contra Costa No. MSC19-02227

21 Doe 103 v. Doe, Santa Clara No. _____

22
23
24 ADDITIONAL CASES NOT IDENTIFIED IN EITHER PETITION FOR COORDINATION

25 The Order of 7/1/20 assigning the coordination motion judge stated that the court
26 reviewed its own records and identified cases that could be added to the coordinated proceeding.

1 These are not “included cases,” but can be added to the JCCP under CRC 3.531. Cases that are
2 potential add-on cases include:

3
4 Doe v. Doe, Alameda Case No. RG20065435

5 Doe v. Doe, Alameda Case No. RG20065437

6 Doe v. Doe, Alameda Case No. RG20065425

7 Doe v. Roe, Alameda Case No. RG20064685

8 Doe v. Doe, Alameda Case No. RG20064084

9 Doe v. Doe, Alameda Case No. RG20064221

10 Doe v. Roe, Alameda Case No. RG20064759

11
12 THE INCLUDED CASES IN JCCP 5108 ARE COLLECTIVELY COMPLEX

13
14 The included cases in JCCP 5108 (and JCCP 5114) are complex, given the large number
15 of parties, potentially extensive motion practice raising difficult or novel legal issues, and
16 potentially extensive discovery practice. (Cal. Rules of Court 3.400(b).) This Court previously
17 managed Clergy III, JCCP 4359, and a review of the court’s own register of actions demonstrates
18 that it was a complex matter. (Evid Code 452(d).)

19
20 COORDINATION IN JCCP 5108 IS APPROPRIATE (CCP 404.1)

21
22 Section 404.1 of the Code of Civil Procedure outlines various factors that the court must
23 consider when ruling on a Petition of Coordination. Coordination is appropriate if it “will
24 promote the ends of justice taking into account whether the common question of fact or law is
25 predominating and significant to the litigation; the convenience of the parties, witnesses, and
26 counsel, the relative development of the actions and the work product of counsel, the efficient

1 utilization of judicial facilities and manpower; the calendar of the courts; the disadvantages of
2 duplicative and inconsistent rulings, orders, or judgments; and the likelihood of settlement of the
3 actions without further litigation should coordination be denied.” (CCP § 404.1.) (See also *Ford*
4 *Motor Warranty Cases* (2017) 11 Cal. App.5th 626.)

5 The included cases share common questions of law and some common issues of fact.
6
7 Although there is no doubt that numerous individual issues will ultimately have to be resolved in
8 the included cases, that alone does not preclude coordination. (*McGhan Med. Corp. v. Superior*
9 *Court* (1992) 11 Cal. App. 4th 804, 811-812.) The cases appear to be in all in their early stages.
10 The cases will benefit from common and consistent orders on pleadings, discovery, and other
11 matters. Coordination will provide substantial benefits to the efficient utilization of judicial
12 facilities and manpower.

13 Courts in complex cases, coordinated or not, may approve stream-lined procedures
14 including standardized complaints, plaintiff fact sheets and authorizations, and defendant fact
15 sheets. In short, “the cases are ripe for coordination on discovery and related pretrial matters.”
16 (*Ford Motor Warranty Cases* (2017) 11 Cal. App.5th 626, 642.) Thus “the benefits of early
17 coordination of discovery and motion practice...are in no way negated by the court’s concern
18 over litigation that is “heavily individualized” (*Ford Motor Warranty*, 11 Cal.App.5th at 643
19 [quoting *McGhan*, 11 Cal.App.4th at 808].)

20
21 Coordination would be more convenient for the parties, witnesses, and counsel.
22
23 Coordination would prevent duplicative depositions of key defendant witnesses. Coordination
24 will ease the scheduling demands on counsel because multiple judges will not be setting different
25 and potentially inconsistent timelines.
26

1 Coordination has undeniable benefits in these cases. Coordination appears to be the most
2 efficient utilization of judicial resources, taking into account the calendars of the courts and the
3 disadvantages of duplicative and inconsistent rulings, orders or judgments.

4 The Court ORDERS that the included cases in JCCP 5108 are coordinated. (CCP 404.1;
5 CRC 3.529.)
6

7
8 GEOGRAPHIC SCOPE OF COORDINATED PROCEEDING

9 The order of 7/1/20 setting the hearing on the petition to coordinate asked the parties to
10 address the geographic scope of any coordinated proceeding. On reflection, the coordination
11 motion judge does not need to, and does not, define the geographic scope of the coordinated
12 proceeding. A JCCP is defined by (1) the identity of the included cases in the petition and (2) the
13 identify of cases that are subsequently added to the JCCP. (CRC 3.521, 3.529(a), 3.531, 3.544.)
14

15 The convenience of the parties, witnesses, and counsel, as well as the efficient utilization
16 of judicial resources will require some discussion about which cases belong in Northern
17 California Clergy Cases, JCCP 5108, Southern California Clergy Cases, JCCP 5101, and the
18 Diocesan [San Diego] Cases, JCCP 5105.

19 At the hearing on 7/22/2020, there was general agreement among counsel that the County
20 of filing define the JCCPs. One proposal was that JCCP 5108 include all cases filed in counties
21 north of and including Monterey, Kings, Tulare, and Inyo Counties. The court does not decide
22 that issue in this order. This will require discussion among the parties as well as among the
23 coordination trial judges assigned to manage the JCCPs.
24
25
26

1
2 SUBJECT MATTER SCOPE OF COORDINATED PROCEEDING

3 The Judicial Council has identified the proceedings as Northern California Clergy Cases
4 and Bay Area Clergy Cases. Complaints alleging childhood sexual assault as defined in CCP
5 340.1(d) are not necessarily limited to clergy in any specific religious denomination or to clergy
6 in religious institutions.
7

8 The court does not limit the subject matter scope of the JCCP to clergy in religious
9 institutions or to religious institutions in any specific religious denomination. The court will
10 consider on a case specific basis whether any specific case should be added to the coordinated
11 proceeding. (CRC 3.531, 3.544.)
12

13 At the hearing on 7/22/2020, there was general agreement among counsel that the JCCP
14 include claims against clergy and against religious institutions (regardless of denomination). The
15 views were unclear or mixed about the management of cases involving against religious schools
16 and other religious affiliated institutions. There was general agreement that the JCCP should not
17 include claims against non-religious institutions such as schools, camps, and scouting
18 organizations. Regarding schools specifically, there was concern that claims regarding schools
19 would involve public entity law and that perhaps claims against public entities, if any, should be
20 managed separately.
21

22 LOCATION OF COORDINATED PROCEEDING
23

24 The coordination motion judge must recommend a particular superior court for the site of
25 the coordinated proceeding. (CRC 3.530.) The factors to consider include: (1) the number of
26 included actions in particular locations; (2) whether the litigation is at an advanced stage in a

1 particular court; (3) the efficient use of court facilities and judicial resources; (4) the locations of
2 witnesses and evidence; (5) the convenience of the parties and witnesses; (6) the parties' principal
3 places of business; (7) the office locations of counsel for the parties; and (8) the ease of travel to
4 and availability of accommodations in particular locations. (CRC 3.530(b).)

5 The coordination motion judge recommends that that proceeding be located in Alameda
6 County. All counsel agreed that Alameda was the appropriate location for the JCCP.
7

8 Alameda managed Clergy III, JCCP 4359. Alameda has institutional memory and
9 experience in the form of court staff who worked on *Clergy III*. (*Center For Biological Diversity*
10 *v. County of San Bernardino* (2010) 188 Cal.App.4th 603, 621 [appellate justices and trial court
11 judges have “staff ... to help them identify errors in counsel's reasoning, misstatements of law
12 and miscitations of authority, and to do original research to uncover ideas and authorities that
13 counsel may have missed, or decided not to bring to the court's attention”].)
14

15 The court is currently aware of more cases filed in Alameda than in San Francisco, but
16 counsel states that dozens if not hundreds of additional cases might be filed and that they might
17 be filed in many different counties. (Cunny Dec., para 19.) Alameda is marginally easier
18 regarding ease of driving travel because it is closer to Contra Costa, Sacramento, and other
19 counties to the east. All the identified cases appear to be at similar states of development, both
20 courts have complex departments, both are equally convenient for parties and witness, both are
21 the principal place of business for relevant defendant entities, and the office locations of counsel
22 for the parties are throughout the state.
23

24 ///

25 ///

1 DESIGNATION OF APPELLATE DISTRICT

2 The must designate a court of appeal for review of this order. (CCP 404.2.) The court
3 selects the First District Court of Appeal for review of this order.

4 The court recommends that the Judicial Council designate a single District of the Court of
5 Appeal as the intermediate reviewing court for all of (1) Southern California Clergy Cases, JCCP
6 5101, (2) Diocesan [San Diego] Cases, JCCP 5105, (3) Northern California Clergy Cases, JCCP
7 5108, and (4) Bay Area Clergy Case, JCCP 5114.

8
9 When the Judicial Council created Clergy I (JCCP 4286), Clergy II (JCCP 4297), and
10 Clergy III (JCCP 4359) in 2004, the Judicial Council apparently designated the Court of Appeal,
11 Second District, as the common intermediate court of appeal. *Doe v. Roman Catholic Bishop of*
12 *San Diego* (2009, 2nd Dist) 101 Cal.Rptr 3d 398 at fn 3 [unpublished] states:

13
14 The cases in this appeal are among many from throughout the State against
15 various entities and individuals affiliated with the Catholic Church for childhood
16 sexual abuse. Those cases have been coordinated in the Los Angeles County
17 Superior Court and formerly in the Alameda County Superior Court. Southern
18 California cases are known as *Clergy Cases I* (JCCP No. 4286) and *Clergy Cases*
II (JCCP No. 4297). The Bay Area cases are known as *Clergy Cases III* (JCCP
19 No. 4359). The Second District of the Court of Appeal is the intermediate
20 appellate court for all of the coordinated cases.

21 (See also *Hightower v. Roman Catholic Bishop of Sacramento* (2006, 2nd Dist) 142 Cal.App.4th
22 759, 761 fn 1 [similar]; *Perez v. Roe I* (2006, 2nd Dist) 146 Cal.App.4th 171, 173 fn 3 [similar];
23 (2006, 2nd Dist) 146 CalApp.4th 216, 220 fn 4 [similar].)

24 IT IS THEREFORE ORDERED:

- 25 1. The actions identified above in JCCP 5108 are complex (CRC 3.403);
26 2. Coordination of these actions is appropriate and therefore the Petition for Coordination is

GRANTED (CCP 404.4; CRC 3.529);

- 1 3. All further proceedings in the included actions in JCCP 5108 are STAYED (CRC
2 3.529(b));
- 3 4. Alameda County Superior Court is recommended as the coordination trial court for
4 further proceedings in JCCP 5108 and its Local Rules shall be the rules applicable except
5 where modified by order of the Coordination Trial Judge (CRC 3.530);
- 6 5. The First District Court of Appeal is selected as the reviewing court (CCP 404.2) for this
7 order;
- 8 6. The court recommends that the Judicial Council designate a single District of the Court of
9 Appeal as the intermediate reviewing court for all of (1) Southern California Clergy
10 Cases, JCCP 5101, (2) Diocesan [San Diego] Cases, JCCP 5105, (3) Northern California
11 Clergy Cases, JCCP 5108, and (4) Bay Area Clergy Case, JCCP 5114.
- 12 7. Petitioners in JCCP 5108 are ORDERED to promptly file this order in each included
13 action in JCCP 5108, serve all parties in the included actions, serve all counsel who filed
14 any objection to the petition, and submit this order to the Chair of the Judicial Council.
15 (CRC 3.529)
- 16 8. Counsel for Petitioners in JCCP 5114, who filed an objection to the petition in JCCP
17 5108, are ORDERED to promptly file this order in each included action in JCCP 5114
18 and to promptly serve a copy of this order on all parties in JCCP 5114.
- 19 9. Counsel for any party identified in the petition in JCCP 5114 or in any case that (1)
20 alleges childhood sexual assault as defined in CCP 340.1(d) and (2) is filed under the
21 reprieve from the statute of limitations in CCP 340.1(q) as recently amended by AB 218
22 may, after appointment of a coordination trial judge, request to coordinate any case as an
23 add-on case. (CRC 3.544.) It appears that the add-on case procedure must wait until the
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25
26

1 appointment of the coordination trial judge. The coordination trial judge will determine
2 whether JCCP 5108 is limited to cases with religious entity defendants.

3 10. The Court encourages distribution of this order widely, especially to counsel with any
4 cases that are likely to be coordinated in these proceedings. All counsel with cases filed
5 in Northern California that concern these proceedings are encouraged to attend further
6 CMCs and hearings in the JCCP. The early participation of counsel in these coordinated
7 proceedings will assist in moving the case forward. Counsel may attend hearings without
8 entering a formal appearance.
9

10
11 Dated: July 22, 2020

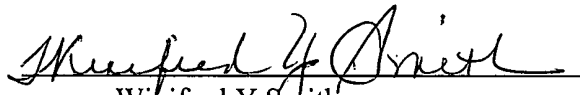
12 
13 Winifred Y Smith
14 Judge of the Superior Court
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EXHIBIT 2

FILED

Superior Court of California
County of Alameda

01/23/2025

Clad Fluke, Executive Officer / Clerk of the Court

By: Nicole Hall Deputy
N. Hall

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA

IN RE NORTHERN CALIFORNIA CLERGY
CASES

No. JCCP 5108

No. HG20-053992

CASE MANAGEMENT CONFERENCE
ORDER

DATE 1/22/25

TIME 1:30

DEPT 21

The Court, having on 1/22/25 conducted a Case Management Conference (“CMC”) in the above proceedings, and having reviewed the parties’ Joint Case Management Conference Statement, reviewed submitted documents, and heard from counsel, finds and orders as follows:

I. STATUS OF THE JCCP

The Order of 7/22/00 granted the petition for coordination. This JCCP exists because an amendment to CCP 340.1 permitted otherwise time barred claim to “be commenced within three years of January 1, 2020.” (CCP 340.1(q).) (Order of 4/29/21.) The cases in the JCCP were filed between 1/1/20 and 12/31/22. The Court aspires to resolve complex cases within three years (Std Jud Admin 2.2(g)) and must resolve cases within five years (CCP 583.310).

1 At the CMC on 1/22/25, counsel reported that the JCCP cases fall into three buckets:
2 Bucket 1—no defendants have filed for bankruptcy protection; Bucket 2—some defendants have
3 filed for bankruptcy protection; and Bucket 3—all defendants have filed for bankruptcy
4 protection. After the CMC, the Court received from Plaintiffs' liaison counsel a confidential
5 spreadsheet listing and briefly describing the pending cases that are in the JCCP. Based on the
6 spreadsheet: Bucket 1 contains about 268 cases; Bucket 2 contains about 523 cases; and Bucket
7 3 contains about 814 cases. (These numbers will be adjusted if the Diocese of Fresno or others
8 file for bankruptcy protection.) To date, no case in the JCCP has undergone trial.
9

10 **II. CASE MANAGEMENT GOING FORWARD.**

11 At the CMC, the Court described initial thoughts regarding a plan for case management
12 going forward, which is set forth in more detail below. The Court requests that each side,
13 through liaison counsel, respond to the proposed plan and/or make their own proposals or
14 modifications to the plan in the joint CMC statement to submitted in advance of the regular
15 monthly CMC to be held in February 2025.
16

17 *Proposed Management Plan:*

- 18 1. All cases in Buckets 1 and 2 will be given a date for trial (if an Alameda County case) or
19 a date for transfer to another county for trial. (CRC 3.543.) Counsel shall meet and
20 confer and propose a schedule of trial/transfer dates. The cases should be grouped, if
21 appropriate. (For example, cases involving the same alleged individual perpetrator(s)
22 might be grouped together.) The trial/transfer dates should be staggered in a logical
23 manner. The schedules in the CMC statement filed 1/21/25 may be a starting point. The
24 trial/transfer dates should trigger, working backwards, a litigation schedule for case
25 development, discovery, motions, settlement discussions, and the like for each case in
26

1 Buckets 1 and 2. The cases must be “trial ready” when they are transferred. (See Orders
2 of 12/12/22 and 7/18/23 and 5/29/24.) For cases that will be transferred to other counties
3 for trial, the Coordination Trial judge can determine the transfer date (CRC 3.543) but the
4 court where the case will be tried will determine the trial department, trial date, and other
5 specifics about the trial.

- 6 2. The Court is inclined to order mediation within 30 days of the trial/transfer date for cases
7 that have not previously undergone any type of mediation.
- 8 3. Approximately 30 days before the trial/transfer date, the parties will file exhibit lists,
9 witness lists, case specific motions in limine, jury instructions, and other filings that
10 comply with Alameda Local Rule 3.35 or any similar local rule of the county of trial.
- 11 4. Approximately 60 days before the trial/transfer date, the Court will hear motions in
12 limine that have some general applicability (*i.e.*, a motion that calls for a ruling that has
13 applicability to a meaningful range of cases), motions for summary adjudication or
14 summary judgment, and motions to consolidate (CCP 1048).
- 15 5. Effective immediately, the Court will lift any stay of discovery on cases in the JCCP that
16 have been imposed by Order of this Court. Discovery should be coordinated, so counsel
17 in related cases participate in the same discovery to avoid duplication. The Court would
18 consider appointing a discovery coordinator. By definition, the nature of the evidence,
19 generally, in these cases is dated. With each passing year, witnesses relocate, are more
20 difficult to find, suffer gradual loss of memory, and might pass away, and documents and
21 real evidence become more difficult to locate or subject to destruction. The JCCP is
22 already four-years old. Going forward, the benefits of completing discovery outweigh
23 the benefits of staggering or further delaying discovery. The cases need to be developed
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25
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1 for meaningful resolution—either by settlement or trial—whether in this action or a
2 related bankruptcy action.

- 3 6. Cases in Bucket 3 will remain stayed in the JCCP as a result of the automatic bankruptcy
4 stay. Parties are free to pursue their remedies within a bankruptcy action, *e.g.*, by an
5 adversarial action or otherwise. If a defendant files for bankruptcy protection, cases will
6 be moved to the appropriate Bucket.
7
8 7. Parties are encouraged to pursue mediation and settlement discussions on a parallel track.
9 Settlement discussions or mediation should not hold up discovery or trial preparation.

10 **III. OTHER ISSUES RAISED AT THE CMC**

11 **A. CMCS IN COUNTIES OF ORIGINAL VENUE**

12 Counsel report that some courts in the Counties of Original Venue are setting CMCs. In
13 a JCCP, the underlying case remains in the county of original venue. If counsel have filed a
14 notice of stay in the case in the County of Original Venue, then that court should be aware of the
15 JCCP and the stay of the action. Counsel may submit proposed orders that confirm that a case
16 has been added to the JCCP under CRC 3.544 or otherwise, that the case is being managed in the
17 JCCP, that the case might return to the county of original venue for trial, and that the action is
18 stayed in the home venue. The parties could then file that order in the case pending in the county
19 of original venue.
20

21 **B. DISCOVERY DISPUTE RESOLUTION PROCESS**

22 Counsel requested the Court's guidance on Informal Discovery Conferences ("IDC"s).
23 The Court does not require IDCs before filing a formal discovery motion. The Court finds that
24 IDCs are helpful when all counsel pertinent to the discovery dispute at issue consent to the IDC.
25 The Court does not make orders in IDCs over objection. The Court issues orders only on a duly
26

1 noticed motion. If all counsel pertinent to a discovery dispute agree to an IDC, counsel
2 proposing the IDC should contact the Dept. 21 clerk and propose dates for a 30-minute session,
3 and the clerk will calendar the matter for a time when the Court is available. The Court might in
4 appropriate cases permit counsel who are not directly involved in an IDC to attend and to
5 passively monitor an IDC to benefit from the discussion.

6
7 Discovery motions, on the other hand, should be calendared on the date for the monthly
8 hearings in this JCCP. For discovery motions, parties are free to agree to truncated briefing
9 requirements and schedules and to waive procedures required by the California Discovery Act.

10 **C. MOTIONS TO WITHDRAW AS COUNSEL**

11 The Court ORDERS liaison counsel to develop a proposed order addressing Motions to
12 Withdraw as Counsel. In a JCCP there are special considerations relating to (1) ensuring that
13 any person who will be self-represented is informed about all the prior orders in the JCCP and
14 how to access and use CaseAnywhere and similar information; (2) ensuring that any person who
15 will be self-represented is informed of their obligations to produce discovery and otherwise
16 comply with court orders; and (3) clarifying that liaison counsel has limited responsibilities to a
17 self-represented litigant after the withdrawal of counsel for that person. As a model, the Court
18 refers the parties to Ranitidine Products, JCCP 5150, order of 9/10/24. The Court also refers
19 counsel to Essure Products, JCCP 4887, order of 11/2/20, and Ranitidine Products, JCCP 5150,
20 order of 12/4/23. The Court will provide these to coordinating counsel.

22 **D. EX PARTE APPLICATION TO APPOINT SPECIAL PROCESS SERVICE**

23 The case of *John SV Roe Tij v. Doe 1* (Alameda case # 22CV 022675, Matrix # 433),
24 apparently requires an international service of process of a Doe Defendant under the Hague
25 Convention. The *ex parte* as filed is DENIED. The current request asks the Court to appoint a
26

1 process server as the Court's own agent for service of process, which is highly unusual, but
2 provides no legal basis for doing so. The Court notes that counsel should observe the distinction
3 between asking the Court for an order that requests the assistance of a foreign jurisdiction's
4 central authority to effectuate service and asking the Court to appoint a process server as the
5 Court's own agent. Counsel may file a more robust *ex parte* application stating in greater detail
6 what is requested and why a court order is appropriate or necessary, including the legal grounds
7 warranting the specific relief requested.
8

9 **E. STATUS OF THE FRESNO DIOCESE FUTURE BANKRUPTCY FILING**

10 Plaintiffs seeks an Order to Show Cause or sanctions against the Diocese of Fresno
11 because Fresno represented that it would be filing for Chapter 11 reorganization and plaintiffs
12 delayed proceedings regarding Fresno in anticipation of a bankruptcy stay, but Fresno has not yet
13 filed for bankruptcy. The Court ORDERS that the request for an order to show cause or
14 sanctions against the Diocese of Fresno is DENIED.
15

16 **F. EFFECT OF BANKRUPTCY ON CO-DEFENDANTS**

17 Several defendants have filed for bankruptcy and the automatic bankruptcy stay is in
18 effect for those defendants. The CMC statement filed 1/21/25 at 10:10-15 and 12:22 indicates
19 that the parties have different views on how a bankruptcy stay applicable to one defendant
20 affects the prosecution of claims against other defendants. The parties may file appropriate
21 motions seeking Court Orders on the effect in state court of the automatic bankruptcy stay on any
22 given defendant or on the proceedings in state court generally. Any Orders by this Court will be
23 made upon an appropriate motion after adequate briefing regarding a specific dispute.
24

25 While the Court is disinclined to make advisory rulings, the Court interprets the parties
26 submission as a request for general guidance. The Court is currently aware of case law that

1 stands for the following propositions: (1) The scope and effect of the stay is decided by the
2 bankruptcy judges in the first instance (*In re Marriage of Sprague & Spiegel-Sprague* (2003)
3 105 Cal.App.4th 215, 219; *In re Gruntz* (9th Cir., 2000) 202 F.3d 1074, 1082, 1087); (2) a
4 bankruptcy stay that applies to one defendant in a case applies only to that defendant and does
5 not necessarily stay an action as to other defendants or to the case as a whole (*Higgins v.*
6 *Superior Court* (2017) 15 Cal.App.5th 973, 981; *Danko v. O'Reilly* (2014) 232 Cal.App.4th 732,
7 748; *Cross v. Cooper* (2011) 197 Cal.App.4th 357 fn 2); and (3) a plaintiff asserting claims
8 against a defendant that is not in bankruptcy may serve and obtain discovery from a defendant
9 that is in bankruptcy (*In re Miller* (9th Cir. Bankr, 2001) 262 B.R. 499, 503 -507). If the parties
10 file motions regarding whether a bankruptcy stay prevents or precludes certain actions in state
11 court, the parties should address the relevant case law, including these decisions.

13 G. TRIAL DATES

14 The Court ORDERS that, in the CMC statement for the next regular monthly CMC,
15 parties may make requests for trial/transfer dates for specific cases.

16
17 Dated: January 23, 2025

18 
19 S. Raj Chatterjee
20 Judge of the Superior Court
21
22
23
24
25
26

Superior Court of California, County of Alameda
Department 21, Administration Building

Case Number: JCCP005108
Case Name: Northern California Clergy Cases

CASE MANAGEMENT CONFERENCE ORDER

DECLARATION OF ELECTRONIC SERVICE

I certify that I am not a party to these cases and that a true and correct copy of the foregoing document was served electronically pursuant to "Order Authorizing Electronic Service", entered in these coordinated proceedings on January 25, 2021, via the CASE ANYWHERE system. Execution of this certificate occurred at 1221 Oak Street, Oakland, California.

Executed on January 23, 2025

Executive Officer/Clerk of the Superior Court

By : Nicole Hall
Deputy Clerk